

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

LATAVIOUS JOHNSON

PETITIONER

v.

No. 4:21-cv-22-DPM

DEXTER PAYNE, Director,
Arkansas Division of Correction

RESPONDENT

CERTIFICATION

Johnson has recently drawn into question the constitutionality of part of the Antiterrorism and Effective Death Penalty Act, 28 U.S.C. § 2254(d), based on *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024). Docs. 52 & 64. Pursuant to 28 U.S.C. § 2403(a) and Federal Rule of Civil Procedure 5.1(b), this Court certifies this challenge to the Attorney General of the United States. The United States may intervene, and be heard on this issue, at any time before 25 April 2025. That period is sixty days after Johnson's notice. Fed. R. Civ. P. 5.1(c); Doc. 68. This Court is deep in the many issues raised by Johnson's *habeas* petition. It notes the decision-related provision of Rule 5.1(c), and will comply with that provision. The Court directs the Clerk to send this certification to the Attorney General of the United States. The Clerk must also send a courtesy copy of it to the United States Attorney for the Eastern District of Arkansas.

W.P. Marshall Jr.

D.P. Marshall Jr.

United States District Judge

26 February 2025